

281—41.646 (256B,34CFR300) Disproportionality.

41.646(1) *General.* The state shall collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the LEAs of the state with respect to the following:

- a.* The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in Section 602(3) of the Act;
- b.* The placement in particular educational settings of these children; and
- c.* The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

41.646(2) *Review and revision of policies, practices, and procedures.* In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, or the incidence, duration, and type of disciplinary actions, in accordance with subrule 41.646(1), the state must proceed as follows:

- a.* Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the Act;
- b.* Require any LEA identified under subrule 41.646(1) to reserve the maximum amount of funds under rule 281—41.226(256B,34CFR300) to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly overidentified under subrule 41.646(1); and
- c.* Require the LEA to publicly report on the revision of policies, practices, and procedures described under 41.646(2) “*a.*”